

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

USDC Docket Number : C.A. 05-30163-MAP

ARTHUR L. CLARK, ET AL,

v.

LYNNE BOSCHER, ET AL

CLERK'S CERTIFICATE

I, Sarah A. Thornton, Clerk of the United States District Court for the District of Massachusetts, do hereby certify that the annexed documents numbered:

#S 1 - 14

and contained in 1 Volume(s) are the original or electronically filed pleadings and constitute the record on appeal in the above entitled case for the Notice of Appeal filed on 10/11/06

In testimony whereof, I hereunto set my hand and affix the seal of this Court on . 10/11/06

Sarah A Thornton, Clerk of Court

By: /s/ Mary Finn
Deputy Clerk

Receipt of the documents in the above entitled case is hereby acknowledged this date: _____.

Deputy Clerk, US Court of Appeals

Please complete the following information:

COURT OF APPEALS DOCKET NUMBER ASSIGNED: _____

APPEAL

**United States District Court
District of Massachusetts (Springfield)
CIVIL DOCKET FOR CASE #: 3:05-cv-30163-MAP**

Clark et al v. Boscher et al
Assigned to: Judge Michael A Ponsor
Demand: \$999,000
Cause: 42:1983 Civil Rights Act

Date Filed: 07/08/2005
Jury Demand: Plaintiff
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Arthur L. Clark
Individually

represented by **William J. Pudlo**
P.O. Box 676
West Springfield, MA 01090
413-739-4000
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Rita M. Clark
Individually

represented by **William J. Pudlo**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Raymond A. Clark
*Trustees of the E. Mt. Rd. Nominee
Trust, and as Trustee of the Arthur L.
Clark Family Trust and as Trustee of
the Clark Sons Realty Trust*

represented by **William J. Pudlo**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Richard J. Clark
*Trustee of the E. Mt. Rd. Nominee Trust
and as Trustee of the Arthur L. Clark
Family Trust and as Trustee of Clark
Sons Realty Trust*

represented by **William J. Pudlo**
(See above for address)
LEAD ATTORNEY
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Plaintiff

James F. Clark
*Trustee of the E. Mt. Rd. Nominee Trust
and as Trustee of the Arthur L. Clark
Family Trust and as Trustee of Clark
Sons Realty Trust*

represented by **William J. Pudlo**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Arthur J. Clark

represented by **William J. Pudlo**

*Trustee of the E. Mt. Rd. Nominee
Trust, and as Trustee of the Arthur L.
Clark Family Trust and as Trustee of
the Clark Sons Realty Trust*

(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Plaintiff

Theodore Perez
Individually

represented by **William J. Pudlo**
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*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Plaintiff

Golden Acres Development Corp.

represented by **William J. Pudlo**
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*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

V.

Defendant

Lynne Boscher

represented by **Jessica H. Munyon**
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Defendant

Philip McEwan

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Kenneth C. Pickering
(See above for address)

LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Kevin Bowler

represented by **Jessica H. Munyon**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kenneth C. Pickering
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Anthony Petrucelli

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ATTORNEY TO BE NOTICED

Kenneth C. Pickering
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Randall Racine

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Kenneth C. Pickering
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

John Wysocki

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Kenneth C. Pickering
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Defendant

William Onyski

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Kenneth C. Pickering
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ATTORNEY TO BE NOTICED

Defendant

Andrew Denardo
*Individually and Members of the
Westfield Planning Board During -
2003*

represented by **Jessica H. Munyon**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kenneth C. Pickering
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

John Sullivan

represented by **Jessica H. Munyon**
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LEAD ATTORNEY
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Kenneth C. Pickering
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Defendant

Ronald Cole

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Kenneth C. Pickering
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ATTORNEY TO BE NOTICED

Defendant

Thomas Flaherty
*Individually and as Westfield Sewer
Commissioners during 2002*

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Kenneth C. Pickering
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Defendant

Jana Cantuccio

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Kenneth C. Pickering
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Defendant

Joseph Spagnoli

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Kenneth C. Pickering
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Defendant

Lee Perez

*Individually and as Westfield Water
Commissioners during 2002*

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Kenneth C. Pickering
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Defendant

Richard K. Sullivan

*Individually and a Mayor of the City of
Westfield*

represented by **Jessica H. Munyon**
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ATTORNEY TO BE NOTICED

Kenneth C. Pickering
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ATTORNEY TO BE NOTICED

Defendant

Charles Medeiros

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ATTORNEY TO BE NOTICED

Kenneth C. Pickering
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Barbara Swords

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Kenneth C. Pickering
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Adam Liptak, Jr.

represented by **Jessica H. Munyon**
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ATTORNEY TO BE NOTICED

Kenneth C. Pickering
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

David Bannish

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Kenneth C. Pickering
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Defendant

Brent Bean

represented by **Jessica H. Munyon**
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Kenneth C. Pickering
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Defendant

Brian Sullivan

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Kenneth C. Pickering
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Christopher Crean

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ATTORNEY TO BE NOTICED

Kenneth C. Pickering
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

James Casey

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ATTORNEY TO BE NOTICED

Kenneth C. Pickering
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Martin Canty

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ATTORNEY TO BE NOTICED

Kenneth C. Pickering
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Daniel Knapik

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LEAD ATTORNEY
ATTORNEY TO BE NOTICED




Kenneth C. Pickering
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Christopher Keefe
*Individually and as Members of the
 Westfield City Council during 2003*

represented by **Jessica H. Munyon**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kenneth C. Pickering
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
07/08/2005	 1	COMPLAINT against Lynne Boscher, Philip McEwan, Kevin Bowler, Anthony Petrucelli, Randall Racine, John Wysocki, William Onyski, Andrew Denardo, John Sullivan, Ronald Cole, Thomas Flaherty, Jana Cantuccio, Joseph Spagnoli, Lee Perez, Richard K, Sullivan, Charles Medeiros, Barbara Swords, Adam Liptak, Jr, David Bannish, Brent Bean, Brian Sullivan, Christopher Crean, James Casey, Martin Canty, Daniel Knapik, Christopher Keefe by James F. Clark, Arthur J. Clark, Theodore Perez, Golden Acres Development Corp., Arthur L. Clark, Rita M. Clark, Raymond A. Clark, Richard J. Clark filed. Filing fee of \$250.00 paid. Receipt number 205994. CF to Counsel. (Attachments: # 1)(Finn, Mary) (Entered: 07/08/2005)
07/08/2005		Summons Issued as to Lynne Boscher, Philip McEwan, Kevin Bowler, Anthony Petrucelli, Randall Racine, John Wysocki, William Onyski, Andrew Denardo, John Sullivan, Ronald Cole, Thomas Flaherty, Jana Cantuccio, Joseph Spagnoli, Lee Perez, Richard K, Sullivan, Charles Medeiros, Barbara Swords, Adam Liptak, Jr, David Bannish, Brent Bean, Brian Sullivan, Christopher Crean, James Casey, Martin Canty, Daniel Knapik, Christopher Keefe. (Finn, Mary) (Entered: 07/08/2005)
11/04/2005	 2	SUMMONS Returned Executed Lynne Boscher served on 11/1/2005, answer due 11/21/2005; Philip McEwan served on 11/1/2005, answer due 11/21/2005; Kevin Bowler served on 11/1/2005, answer due 11/21/2005; Anthony Petrucelli served on 11/1/2005, answer due 11/21/2005; Randall Racine served on 11/1/2005, answer due 11/21/2005; John Wysocki served on 11/1/2005, answer due 11/21/2005; William Onyski served on 11/1/2005, answer due 11/21/2005; Andrew Denardo served on 11/1/2005, answer due 11/21/2005; John Sullivan served on 11/1/2005, answer due 11/21/2005; Ronald Cole served on 11/1/2005, answer due 11/21/2005; Thomas Flaherty served on 11/1/2005, answer due 11/21/2005; Jana Cantuccio served on 11/1/2005, answer due

		11/21/2005; Joseph Spagnoli served on 11/1/2005, answer due 11/21/2005; Lee Perez served on 11/1/2005, answer due 11/21/2005; Richard K, Sullivan served on 11/1/2005, answer due 11/21/2005; Charles Medeiros served on 11/1/2005, answer due 11/21/2005; Barbara Swords served on 11/1/2005, answer due 11/21/2005; Adam Liptak, Jr served on 11/1/2005, answer due 11/21/2005; David Bannish served on 11/1/2005, answer due 11/21/2005; Brent Bean served on 11/1/2005, answer due 11/21/2005; Brian Sullivan served on 11/1/2005, answer due 11/21/2005; Christopher Crean served on 11/1/2005, answer due 11/21/2005; James Casey served on 11/1/2005, answer due 11/21/2005; Martin Canty served on 11/1/2005, answer due 11/21/2005; Daniel Knapik served on 11/1/2005, answer due 11/21/2005; Christopher Keefe served on 11/1/2005, answer due 11/21/2005. (Attachments: # <u>1</u> summons)(Stuckenbruck, John) (Entered: 11/04/2005)
12/19/2005	<u>3</u>	MOTION to Dismiss by Lynne Boscher, Philip McEwan, Kevin Bowler, Anthony Petrucelli, Randall Racine, John Wysocki, William Onyski, Andrew Denardo, John Sullivan, Ronald Cole, Thomas Flaherty, Jana Cantuccio, Joseph Spagnoli, Lee Perez, Richard K, Sullivan, Charles Medeiros, Barbara Swords, Adam Liptak, Jr, David Bannish, Brent Bean, Brian Sullivan, Christopher Crean, James Casey, Martin Canty, Daniel Knapik, Christopher Keefe.(Pickering, Kenneth) (Entered: 12/19/2005)
12/19/2005	<u>4</u>	MEMORANDUM in Support re <u>3</u> MOTION to Dismiss filed by Lynne Boscher, Philip McEwan, Kevin Bowler, Anthony Petrucelli, Randall Racine, John Wysocki, William Onyski, Andrew Denardo, John Sullivan, Ronald Cole, Thomas Flaherty, Jana Cantuccio, Joseph Spagnoli, Lee Perez, Richard K, Sullivan, Charles Medeiros, Barbara Swords, Adam Liptak, Jr, David Bannish, Brent Bean, Brian Sullivan, Christopher Crean, James Casey, Martin Canty, Daniel Knapik, Christopher Keefe. (Pickering, Kenneth) (Entered: 12/19/2005)
12/19/2005	<u>5</u>	AFFIDAVIT of Kenneth C. Pickering in Support re <u>3</u> MOTION to Dismiss filed by Lynne Boscher, Philip McEwan, Kevin Bowler, Anthony Petrucelli, Randall Racine, John Wysocki, William Onyski, Andrew Denardo, John Sullivan, Ronald Cole, Thomas Flaherty, Jana Cantuccio, Joseph Spagnoli, Lee Perez, Richard K, Sullivan, Charles Medeiros, Barbara Swords, Adam Liptak, Jr, David Bannish, Brent Bean, Brian Sullivan, Christopher Crean, James Casey, Martin Canty, Daniel Knapik, Christopher Keefe. (Attachments: # <u>1</u> Exhibit # <u>2</u> Exhibit # <u>3</u> Exhibit # <u>4</u> Exhibit)(Pickering, Kenneth) (Entered: 12/19/2005)
01/06/2006	<u>6</u>	Pltfs' ASSENTED to MOTION for Extension of Time to 1/31/2006 to resp. to the Defts' motion to dismiss by James F. Clark, Arthur J. Clark, Arthur L. Clark, Rita M. Clark, Raymond A. Clark, Richard J. Clark filed.(Finn, Mary) (Entered: 01/06/2006)
01/06/2006		Judge Michael A Ponsor : ELECTRONIC ENDORSEDORDER entered granting the Pltfs' Assented 6 Motion for Extension of Time to 1/31/2006 to resp. to the Defts' motion to dismiss; cc/cl. (Finn, Mary) (Entered: 01/06/2006)

01/31/2006	<u>7</u>	Pltfs' Opposition to the Defts' <u>3</u> MOTION to Dismiss by James F. Clark, Arthur J. Clark, Theodore Perez, Golden Acres Development Corp., Arthur L. Clark, Rita M. Clark, Raymond A. Clark, Richard J. Clark filed. (Finn, Mary) (Entered: 01/31/2006)
02/01/2006	<u>8</u>	Judge Michael A Ponsor : Electronic ORDER entered. REFERRING MOTION <u>3</u> MOTION to Dismiss filed by Thomas Flaherty,, John Wysocki,, Philip McEwan,, Martin Canty,, John Sullivan,, Charles Medeiros,, David Bannish,, James Casey,, Barbara Swords,, Anthony Petrucelli,, Kevin Bowler,, Brian Sullivan,, Lynne Boscher,, Randall Racine,, William Onyski,, Andrew Denardo,, Ronald Cole,, Jana Cantuccio,, Joseph Spagnoli,, Lee Perez,, Richard K. Sullivan,, Adam Liptak, Jr., Brent Bean,, Christopher Crean,, Daniel Knapik,, Christopher Keefe, to Magistrate Judge Kenneth P. Neiman(French, Elizabeth) (Entered: 02/01/2006)
08/14/2006	<u>9</u>	Magistrate Judge Kenneth P. Neiman. REPORT AND RECOMMENDATIONS re <u>3</u> MOTION to Dismiss filed by Defendants, ENTERED, cc:cl. Recommendation: "...For the reason stated the court recommends that Defendants' motion to dismiss be ALLOWED." Objections to R&R due by 8/31/2006.(Healy, Bethaney) (Entered: 08/15/2006)
08/28/2006	<u>10</u>	Pltf's OBJECTION to the <u>9</u> Report and Recommendations re: Defts' motion to dismiss by James F. Clark, Arthur J. Clark, Theodore Perez, Golden Acres Development Corp., Arthur L. Clark, Rita M. Clark, Raymond A. Clark, Richard J. Clark filed. (Finn, Mary) (Entered: 08/29/2006)
08/29/2006		Case no longer referred to Magistrate Judge Kenneth P. Neiman. (Healy, Bethaney) (Entered: 08/29/2006)
09/08/2006	<u>11</u>	REPLY TO OBJECTION to <u>9</u> Report and Recommendations filed by all defendants. (Pickering, Kenneth) (Entered: 09/08/2006)
09/13/2006	<u>12</u>	Judge Michael A Ponsor : MEMORANDUM AND ORDER entered adopting <u>9</u> Report and Recommendations, and granting Dft's <u>3</u> Motion to Dismiss. See the attached memo & order for complete details. cc/cl (Lindsay, Maurice) (Entered: 09/13/2006)
09/13/2006	<u>13</u>	Judge Michael A Ponsor : ORDER entered. JUDGMENT in favor of Defendants Lynne Boscher, et al. against Plaintiffs Arthur L. Clark, et al. (Lindsay, Maurice) (Entered: 09/13/2006)
10/11/2006	<u>14</u>	NOTICE OF APPEAL as to <u>13</u> Judgment by James F. Clark, Arthur J. Clark, Theodore Perez, Golden Acres Development Corp., Arthur L. Clark, Rita M. Clark, Raymond A. Clark, Richard J. Clark. (NOTE: FEE \$455 NOT PAID) NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/clerks/transcript.htm MUST be completed and submitted to the Court of Appeals. Appeal Record due by 10/31/2006. (Lindsay, Maurice) (Entered: 10/11/2006)

